



PTO/SB/17p (11-04)

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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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*TPW 2874*

### PETITION FEE

### Under 37 CFR 1.17(f), (g) & (h) TRANSMITTAL

(Fees are subject to annual revision)

#### Send completed form to:

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Application Number	09/868,845-Conf. #006312
Filing Date	September 7, 2001
First Named Inventor	Juergen MUELLER
Art Unit	2877
Examiner Name	G. J. Stock
Attorney Docket Number	0179-0170P

Enclosed is a petition filed under 37 CFR 1.48(a) that requires a processing fee (37 CFR 1.17(f), (g), or (h)). Payment of \$ 400.00 is enclosed.

This form should be included with the above-mentioned petition and faxed or mailed to the Office using the appropriate Mail Stop (e.g., Mail Stop Petition), if applicable. For transmittal of processing fees under 37 CFR 1.17(i), see form PTO/SB/17i.

#### Payment of Fees (small entity amounts are NOT available for the petition fees).

- The Commissioner is hereby authorized to charge the following fees to Deposit Account No. 02-2448 :  
 Petition fee under 37 CFR 1.17(f), (g) or (h)  Any deficiency of fees and credit of any overpayments  
 Enclose a duplicative copy of this form for fee processing.
- Check in the amount of \$ 400.00 is enclosed.
- Payment by credit card (Form PTO-2038 or equivalent enclosed). Do not provide credit card information on this form.

#### Petition Fees under 37 CFR 1.17(f): Fee \$400 Fee Code 1462

For petitions filed under:

- § 1.53(e) – to accord a filing date.
- § 1.57(a) – to accord a filing date.
- § 1.182 – for decision on a question not specifically provided for.
- § 1.183 – to suspend the rules.
- § 1.378(e) – for reconsideration of decision on petition refusing to accept delayed payment of maintenance fee in an expired patent.
- § 1.741(b) – to accord a filing date to an application under § 1.740 for extension of a patent term.

#### Petition Fees under 37 CFR 1.17(g): Fee \$200 Fee Code 1463

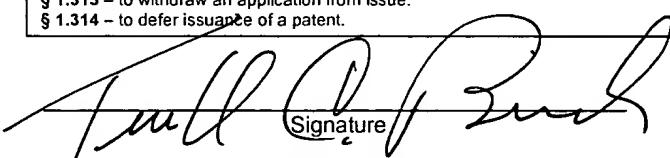
For petitions filed under:

- § 1.12 – for access to an assignment record.
- § 1.14 – for access to an application.
- § 1.47 – for filing by other than all the inventors or a person not the inventor.
- § 1.59 – for expungement of information.
- § 1.103(a) – to suspend action in an application.
- § 1.136(b) – for review of a request for extension of time when the provisions of section 1.136(a) are not available.
- § 1.295 – for review of refusal to publish a statutory invention registration.
- § 1.296 – to withdraw a request for publication of a statutory invention registration filed on or after the date the notice of intent to publish issued.
- § 1.377 – for review of decision refusing to accept and record payment of a maintenance fee filed prior to expiration of a patent.
- § 1.550(c) – for patent owner requests for extension of time in ex parte reexamination proceedings.
- § 1.956 – for patent owner requests for extension of time in inter partes reexamination proceedings.
- § 5.12 – for expedited handling of a foreign filing license.
- § 5.15 – for changing the scope of a license.
- § 5.25 – for retroactive license.

#### Petition Fees under 37 CFR 1.17(h): Fee \$130 Fee Code 1464

For petitions filed under:

- § 1.19(g) – to request documents in a form other than that provided in this part.
- § 1.84 – for accepting color drawings or photographs.
- § 1.91 – for entry of a model or exhibit.
- § 1.102(d) – to make an application special.
- § 1.138(c) – to expressly abandon an application to avoid publication.
- § 1.313 – to withdraw an application from issue.
- § 1.314 – to defer issuance of a patent.

  
Signature

June 10, 2005

Date

Terrell C. Birch

Typed or printed name

19,382

Registration No., if applicable



PATENT  
0179-0170P

IN THE U.S. PATENT AND TRADEMARK OFFICE

Applicant: Juergen Rolf MUELLER Conf.: 6312  
Appl. No.: 09/868,845 Group: 2877  
Filed: September 7, 2001 Examiner: G. J. Stock  
For: SCANNING MICROSCOPIC METHOD HAVING HIGH  
AXIAL RESOLUTION

AMENDMENT, PETITION AND FEE TO DELETE AND/OR ADD TO  
ORIGINAL ERRONEOUSLY NAMED OR NOT NAMED INVENTOR(S) IN  
-NONPROVISIONAL APPLICATION- DECLARATION  
(37 C.F. § 1.48(a))

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

June 10, 2005

Sir:

1. This amendment and petition is to correct the incorrect original naming of inventor(s) in the declaration under 37 C.F.R. § 1.48(a) as set forth and filed on .

2. Addition and/or Deletion of Inventor(s)

Add the following previously unnamed person(s) as inventor(s) of this application

Inventor: Residence (city and foreign country):

HENCO, Karsten Tiefenberg 27  
40629 Duesseldorf  
Germany

TURNER, Rodney 419 Fulton Street  
San Francisco, CA 94102  
USA

06/13/2005 SSESHE1 00000044 09868845

01 FC:1462

400.00 OP

AXHAUSEN, Peter

An der Wasserfurche 3  
38162 Destedt  
Germany

GUENTHER, Rolf

Simon-von-Utrecht-Strasse 65  
20359 Hamburg  
Germany.

Delete the following previously incorrectly named inventor(s)

Inventor: Residence (city and foreign country):

3. Attachments:

Attached is

(a) A statement from:

each person being added as an inventor that the error in inventorship occurred without deceptive intention on his or her part. 37 C.F.R. § 1.48(a)(2).

each person being deleted as an inventor that the error in inventorship occurred without deceptive intention on his or her part. 37 C.F.R. § 1.48(a)(2).

(b) a declaration by each of the actual inventor(s) as required by 37 C.F.R. § 1.63. 37 C.F.R. § 1.48(a)(3).

(c) written assent of the assignee (*if any of the original inventors executed an assignment*) 37 C.F.R. § 1.48(a)(5).

4. Fee Payment (37 C.F.R. § 1.17(f))

- A check in the amount of \$400.00 is enclosed.
- Please charge Deposit Account No. 02-2448 in the amount of \$0.00. This form is submitted in triplicate.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By   
Terrell C. Birch, #19,382

TCB/RWD/ph  
**0179-0170P**

P.O. Box 747  
Falls Church, VA 22040-0747  
(703) 205-8000

Attachment(s)



PATENT  
0179-0170P

IN THE U.S. PATENT AND TRADEMARK OFFICE

Applicant: Juergen Rolf MUELLER Conf.: 6312

Appl. No.: 09/868,845 Group: 2877

Filed: September 7, 2001 Examiner: G. J. Stock

For: SCANNING MICROSCOPIC METHOD HAVING HIGH  
AXIAL RESOLUTION

ASSENT OF ASSIGNEE TO CORRECTION  
AND/OR ADDITION OF INVENTOR(S)

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

June 10, 2005

Sir:

This letter is filed as part of a petition under 37 C.F.R.  
§ 1.48(a).

Assignee: EVOTEC BIOSYSTEMS AG  
Address: Schnackenburgallee 114  
22525 Hamburg  
Germany

Assignment

recorded on September 7, 2001  
Reel 12149  
Frame 378

Assignee hereby assents to the correction of inventorship filed

- herewith  
 on

May, 23, 2005

Date

M. Leimbüller / C. Spiegel

Signature

Dr. MARTINA LEIMBÜLLER / CHRISTIAN V. SPIEGEL

Type name and title of person  
authorized to sign on behalf  
of Assignee

HEAD OF IP /

HEAD OF LEGAL

(Rev. 09/30/03)



PATENT  
0179-0170P

IN THE U.S. PATENT AND TRADEMARK OFFICE

Applicant: Juergen Rolf MUELLER Conf.: 6312  
Appl. No.: 09/868,845 Group: 2877  
Filed: September 7, 2001 Examiner: G. J. Stock  
For: SCANNING MICROSCOPIC METHOD HAVING HIGH  
AXIAL RESOLUTION

STATEMENT BY INVENTOR

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

June 10, 2005

Sir:

This communication is an attachment to a Petition to Correct Inventorship under 37 C.F.R. § 1.48(a), filed in connection with the above-identified application.

I, Karsten HENCO of Germany, am a coinventor of the above-identified application.

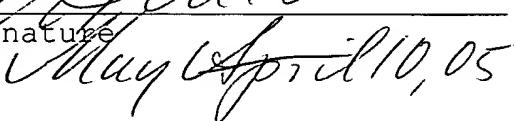
The inventorship error occurred without deceptive intention on my part.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the

United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

---

Date

  
Signature  
  
May 6, 2005

Karsten Henco

Type name of person signing

(Rev. 09/30/03)



PATENT  
0179-0170P

IN THE U.S. PATENT AND TRADEMARK OFFICE

Applicant: Juergen Rolf MUELLER Conf.: 6312

Appl. No.: 09/868,845 Group: 2877

Filed: September 7, 2001 Examiner: G. J. Stock

For: SCANNING MICROSCOPIC METHOD HAVING HIGH  
AXIAL RESOLUTION

STATEMENT BY INVENTOR

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

June 10, 2005

Sir:

This communication is an attachment to a Petition to Correct Inventorship under 37 C.F.R. § 1.48(a), filed in connection with the above-identified application.

I, Rodney TURNER of US, am a coinventor of the above-identified application.

The inventorship error occurred without deceptive intention on my part.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the

United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

May 17, 2005  
Date

  
Signature

Rodney Turner  
Type name of person signing

(Rev. 09/30/03)



PATENT  
0179-0170P

IN THE U.S. PATENT AND TRADEMARK OFFICE

Applicant: Juergen Rolf MUELLER Conf.: 6312

Appl. No.: 09/868,845 Group: 2877

Filed: September 7, 2001 Examiner: G. J. Stock

For: SCANNING MICROSCOPIC METHOD HAVING HIGH  
AXIAL RESOLUTION

STATEMENT BY INVENTOR

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

June 10, 2005

Sir:

This communication is an attachment to a Petition to Correct Inventorship under 37 C.F.R. § 1.48(a), filed in connection with the above-identified application.

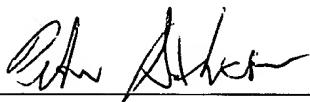
I, Peter AXHAUSEN of Germany, am a coinventor of the above-identified application.

The inventorship error occurred without deceptive intention on my part.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the

United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

May 12, 2005  
Date

  
\_\_\_\_\_  
Signature

Peter Axhausen  
Type name of person signing

(Rev. 09/30/03)



PATENT  
0179-0170P

IN THE U.S. PATENT AND TRADEMARK OFFICE

Applicant: Juergen Rolf MUELLER Conf.: 6312

Appl. No.: 09/868,845 Group: 2877

Filed: September 7, 2001 Examiner: G. J. Stock

For: SCANNING MICROSCOPIC METHOD HAVING HIGH  
AXIAL RESOLUTION

STATEMENT BY INVENTOR

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

June 10, 2005

Sir:

This communication is an attachment to a Petition to Correct Inventorship under 37 C.F.R. § 1.48(a), filed in connection with the above-identified application.

I, Rolf GUENTHER of Germany, am a coinventor of the above-identified application.

The inventorship error occurred without deceptive intention on my part.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the

United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

12/05/05

Date



Signature

Rolf GUENTHER

Type name of person signing

(Rev. 09/30/03)



Attorney Docket No. 0179-0170P

## BIRCH, STEWART, KOLASCH & BIRCH, LLP

**PLEASE NOTE:  
YOU MUST  
COMPLETE THE  
FOLLOWING**

P.O. Box 747 • Falls Church, Virginia 22040-0747  
Telephone: (703) 205-8000 • Facsimile: (703) 205-8050

### DECLARATION FOR UTILITY OR DESIGN PATENT APPLICATION

As a below named inventor, I hereby declare that: my residence, post office address and citizenship are as stated next to my name; that I verily believe that I am the original, first and sole inventor (if only one inventor is named below) or an original, first and joint inventor (if plural inventors are named below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

Insert Title:

**SCANNING MICROSCOPIC METHOD HAVING HIGH AXIAL RESOLUTION**

Fill in Appropriate  
Information -  
For Use Without  
Specification  
Attached:

the specification of which is attached hereto. If not attached hereto, the application is identified by the attorney docket number as set forth above and/or the following:

The specification was filed on September 7, 2001 as  
United States Application Number 09/868,845  
and amended on \_\_\_\_\_ (if applicable) and/or  
the specification was filed on \_\_\_\_\_ as PCT  
International Application Number \_\_\_\_\_; and was  
amended on \_\_\_\_\_ (if applicable)

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, §1.56.

I do not know and do not believe the same was ever known or used in the United States of America before my or our invention thereof, or patented or described in any printed publication in any country before my or our invention thereof or more than one year prior to this application, that the same was not in public use or on sale in the United States of America more than one year prior to this application, that the invention has not been patented or made the subject of an inventor's certificate issued before the date of this application in any country foreign to the United States of America on an application filed by me or my legal representative or assigns more than twelve months (six months for designs) prior to this application, and that no application for patent or inventor's certificate on this invention has been filed in any country foreign to the United States of America prior to this application by me or my legal representatives or assigns, except as follows.

I hereby claim foreign priority benefits under Title 35, United States Code, §119(a)-(d) of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Prior Foreign Application(s)

Priority Claimed

Insert Priority Information: (if appropriate)	<u>60/113478</u> (Number)	<u>EPO</u> (Country)	<u>December 21, 1998</u> (Month/Day/Year Filed)	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
	<u>98124314.0</u> (Number)	<u>EPO</u> (Country)	<u>December 21, 1998</u> (Month/Day/Year Filed)	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
	<u>198 60 549.8</u> (Number)	<u>EPO</u> (Country)	<u>December 21, 1998</u> (Month/Day/Year Filed)	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
	<u>                  </u> (Number)	<u>                  </u> (Country)	<u>                  </u> (Month/Day/Year Filed)	<input type="checkbox"/> Yes	<input type="checkbox"/> No

I hereby claim the benefit under Title 35, United States Code, §119(e) of any United States provisional applications(s) listed below.

Insert Provisional Application(s): (if any)	<u>                  </u> (Application Number)	<u>                  </u> (Filing Date)
	<u>                  </u> (Application Number)	<u>                  </u> (Filing Date)

All Foreign Applications, if any, for any Patent or Inventor's Certificate Filed More than 12 Months (6 Months for Designs) Prior to the Filing Date of This Application:

Insert Requested Information: (if appropriate)	<u>                  </u> Country	<u>                  </u> Application Number	<u>                  </u> Date of Filing (Month/Day/Year)
	<u>                  </u> Country	<u>                  </u> Application Number	<u>                  </u> Date of Filing (Month/Day/Year)

I hereby claim the benefit under Title 35, United States Code, §120 of any United States and/or PCT application(s), including for continuation-in-part application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States and/or PCT application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose information which is material to the patentability as defined in Title 37, Code of Federal Regulations, §1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application.

Insert Prior U.S. Application(s): (if any)	<u>                  </u> (Application Number)	<u>                  </u> (Filing Date)	<u>                  </u> (Status - patented, pending, abandoned)
	<u>                  </u> (Application Number)	<u>                  </u> (Filing Date)	<u>                  </u> (Status - patented, pending, abandoned)

Send Correspondence to:

**CUSTOMER NO. 02292 (BIRCH, STEWART, KOLASCH & BIRCH, LLP)**

Telephone: (703) 205-8000

Facsimile: (703) 205-8050

**PLEASE NOTE:  
YOU MUST  
COMPLETE  
THE  
FOLLOWING:**  
↓

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full Name of First Inventor:  
Insert Name of Inventor  
Insert Date This Document is Signed

Insert Residence  
Insert Citizenship

Insert Post Office Address

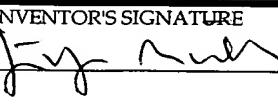
Full Name of Second Inventor, if any:  
see above

Full Name of Third Inventor, if any:  
see above

Full Name of Fourth Inventor, if any:  
see above

Full Name of Fifth Inventor, if any:  
see above

Full Name of Sixth Inventor, if any:  
see above

GIVEN NAME/FAMILY NAME  Juergen Rolf MUELLER	INVENTOR'S SIGNATURE 	DATE* 05/23/05
Residence (City, State & Country)  Hamburg, Germany	CITIZENSHIP DE	
MAILING ADDRESS (Complete Street Address including City, State & Country)  Lohbekstieg 32f, 22529 Hamburg, Germany		
GIVEN NAME/FAMILY NAME  Karsten HENCO	INVENTOR'S SIGNATURE	DATE*
Residence (City, State & Country)  Duesseldorf, Germany	CITIZENSHIP	
MAILING ADDRESS (Complete Street Address including City, State & Country)  Tiefenberg 27, 40629 Duesseldorf, Germany		
GIVEN NAME/FAMILY NAME  Rodney TURNER	INVENTOR'S SIGNATURE	DATE*
Residence (City, State & Country)  San Francisco, CA, US	CITIZENSHIP	
MAILING ADDRESS (Complete Street Address including City, State & Country)  419 Fulton Street, San Francisco, CA 94102, US		
GIVEN NAME/FAMILY NAME  Peter AXHAUSEN	INVENTOR'S SIGNATURE	DATE*
Residence (City, State & Country)  Destedt, Germany	CITIZENSHIP	
MAILING ADDRESS (Complete Street Address including City, State & Country)  An der Wasserfurche 3, 38162 Destedt, Germany		
GIVEN NAME/FAMILY NAME  Rolf GUNTHER	INVENTOR'S SIGNATURE	DATE*
Residence (City, State & Country)  Hamburg, Germany	CITIZENSHIP	
MAILING ADDRESS (Complete Street Address including City, State & Country)  Simon-von-Utrecht-Strasse 65, 20359 Hamburg, Germany		
GIVEN NAME/FAMILY NAME	INVENTOR'S SIGNATURE	DATE*
Residence (City, State & Country)	CITIZENSHIP	
MAILING ADDRESS (Complete Street Address including City, State & Country)		



Attorney Docket No. 0179-0170P

## BIRCH, STEWART, KOLASCH & BIRCH, LLP

**PLEASE NOTE:  
YOU MUST  
COMPLETE THE  
FOLLOWING**

P.O. Box 747 • Falls Church, Virginia 22040-0747  
Telephone: (703) 205-8000 • Facsimile: (703) 205-8050

### DECLARATION FOR UTILITY OR DESIGN PATENT APPLICATION

As a below named inventor, I hereby declare that: my residence, post office address and citizenship are as stated next to my name; that I verily believe that I am the original, first and sole inventor (if only one inventor is named below) or an original, first and joint inventor (if plural inventors are named below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

Insert Title:

SCANNING MICROSCOPIC METHOD HAVING HIGH AXIAL RESOLUTION

Fill in Appropriate

the specification of which is attached hereto. If not attached hereto, the application is identified by the attorney docket number as set forth above and/or the following:

Information -  
For Use Without  
Specification  
Attached:

The specification was filed on September 7, 2001 as  
United States Application Number 09/868,845  
and amended on \_\_\_\_\_ (if applicable) and/or  
the specification was filed on \_\_\_\_\_ as PCT  
International Application Number \_\_\_\_\_; and was  
amended on \_\_\_\_\_ (if applicable)

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, §1.56.

I do not know and do not believe the same was ever known or used in the United States of America before my or our invention thereof, or patented or described in any printed publication in any country before my or our invention thereof or more than one year prior to this application, that the same was not in public use or on sale in the United States of America more than one year prior to this application, that the invention has not been patented or made the subject of an inventor's certificate issued before the date of this application in any country foreign to the United States of America on an application filed by me or my legal representative or assigns more than twelve months (six months for designs) prior to this application, and that no application for patent or inventor's certificate on this invention has been filed in any country foreign to the United States of America prior to this application by me or my legal representatives or assigns, except as follows.

I hereby claim foreign priority benefits under Title 35, United States Code, §119(a)-(d) of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

#### Prior Foreign Application(s)

#### Priority Claimed

Insert Priority Information: (if appropriate)	<u>60/113478</u> (Number)	<u>EPO</u> (Country)	<u>December 21, 1998</u> (Month/Day/Year Filed)	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
	<u>98124314.0</u> (Number)	<u>EPO</u> (Country)	<u>December 21, 1998</u> (Month/Day/Year Filed)	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
	<u>198 60 549.8</u> (Number)	<u>EPO</u> (Country)	<u>December 21, 1998</u> (Month/Day/Year Filed)	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
	<u>                  </u> (Number)	<u>                  </u> (Country)	<u>                  </u> (Month/Day/Year Filed)	<input type="checkbox"/> Yes	<input type="checkbox"/> No

I hereby claim the benefit under Title 35, United States Code, §119(e) of any United States provisional applications(s) listed below.

Insert Provisional Application(s): (if any)	<u>                  </u> (Application Number)	<u>                  </u> (Filing Date)
	<u>                  </u> (Application Number)	<u>                  </u> (Filing Date)

All Foreign Applications, if any, for any Patent or Inventor's Certificate Filed More than 12 Months (6 Months for Designs) Prior to the Filing Date of This Application:

Insert Requested Information: (if appropriate)	<u>                  </u> Country	<u>                  </u> Application Number	<u>                  </u> Date of Filing (Month/Day/Year)
	<u>                  </u> Country	<u>                  </u> Application Number	<u>                  </u> Date of Filing (Month/Day/Year)

I hereby claim the benefit under Title 35, United States Code, §120 of any United States and/or PCT application(s), including for continuation-in-part application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States and/or PCT application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose information which is material to the patentability as defined in Title 37, Code of Federal Regulations, §1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application.

Insert Prior U.S. Application(s): (if any)	<u>                  </u> (Application Number)	<u>                  </u> (Filing Date)	<u>                  </u> (Status - patented, pending, abandoned)
	<u>                  </u> (Application Number)	<u>                  </u> (Filing Date)	<u>                  </u> (Status - patented, pending, abandoned)

Send Correspondence to:

**CUSTOMER NO. 02292 (BIRCH, STEWART, KOLASCH & BIRCH, LLP)**  
Telephone: (703) 205-8000      Facsimile: (703) 205-8050

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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full Name of First  
or Second Inventor:  
Insert Name of  
Inventor  
Insert Date This  
Document is Signed

Insert Residence  
Insert Citizenship

Insert Post Office  
Address

Full Name of Second  
Inventor, if any:  
see above

Full Name of Third  
Inventor, if any:  
see above

Full Name of Fourth  
Inventor, if any:  
see above

Full Name of Fifth  
Inventor, if any:  
see above

Full Name of Sixth  
Inventor, if any:  
see above

GIVEN NAME/FAMILY NAME  Juergen Rolf MUELLER	INVENTOR'S SIGNATURE	DATE*
Residence (City, State & Country)  Hamburg, Germany	CITIZENSHIP DE	
MAILING ADDRESS (Complete Street Address including City, State & Country)  Lohbekstieg 32f, 22529 Hamburg, Germany		
GIVEN NAME/FAMILY NAME  Karsten HENCO	INVENTOR'S SIGNATURE	DATE* May 10, 05
Residence (City, State & Country)  Duesseldorf, Germany	CITIZENSHIP Germany	
MAILING ADDRESS (Complete Street Address including City, State & Country)  Tiefenberg 27, 40629 Duesseldorf, Germany		
GIVEN NAME/FAMILY NAME  Rodney TURNER	INVENTOR'S SIGNATURE	DATE*
Residence (City, State & Country)  San Francisco, CA, US	CITIZENSHIP	
MAILING ADDRESS (Complete Street Address including City, State & Country)  419 Fulton Street, San Francisco, CA 94102, US		
GIVEN NAME/FAMILY NAME  Peter AXHAUSEN	INVENTOR'S SIGNATURE	DATE*
Residence (City, State & Country)  Destedt, Germany	CITIZENSHIP	
MAILING ADDRESS (Complete Street Address including City, State & Country)  An der Wasserfurche 3, 38162 Destedt, Germany		
GIVEN NAME/FAMILY NAME  Rolf GUNTHER	INVENTOR'S SIGNATURE	DATE*
Residence (City, State & Country)  Hamburg, Germany	CITIZENSHIP	
MAILING ADDRESS (Complete Street Address including City, State & Country)  Simon-von-Utrecht-Strasse 65, 20359 Hamburg, Germany		
GIVEN NAME/FAMILY NAME	INVENTOR'S SIGNATURE	DATE*
Residence (City, State & Country)	CITIZENSHIP	
MAILING ADDRESS (Complete Street Address including City, State & Country)		



Attorney Docket No. 0179-0170P

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P.O. Box 747 • Falls Church, Virginia 22040-0747  
Telephone: (703) 205-8000 • Facsimile: (703) 205-8050

### DECLARATION FOR UTILITY OR DESIGN PATENT APPLICATION

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Insert Title:

SCANNING MICROSCOPIC METHOD HAVING HIGH AXIAL RESOLUTION

Fill in Appropriate

the specification of which is attached hereto. If not attached hereto, the application is identified by the attorney docket number as set forth above and/or the following:

Information -  
For Use Without  
Specification  
Attached:

The specification was filed on September 7, 2001 as  
United States Application Number 09/868,845  
and amended on \_\_\_\_\_ (if applicable) and/or  
the specification was filed on \_\_\_\_\_ as PCT  
International Application Number \_\_\_\_\_; and was  
amended on \_\_\_\_\_ (if applicable)

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, §1.56.

I do not know and do not believe the same was ever known or used in the United States of America before my or our invention thereof, or patented or described in any printed publication in any country before my or our invention thereof or more than one year prior to this application, that the same was not in public use or on sale in the United States of America more than one year prior to this application, that the invention has not been patented or made the subject of an inventor's certificate issued before the date of this application in any country foreign to the United States of America on an application filed by me or my legal representative or assigns more than twelve months (six months for designs) prior to this application, and that no application for patent or inventor's certificate on this invention has been filed in any country foreign to the United States of America prior to this application by me or my legal representatives or assigns, except as follows.

I hereby claim foreign priority benefits under Title 35, United States Code, §119(a)-(d) of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Prior Foreign Application(s)

Priority Claimed

Insert Priority  
Information:  
(if appropriate)

<u>60/113478</u> (Number)	<u>EPO</u> (Country)	<u>December 21, 1998</u> (Month/Day/Year Filed)	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
<u>98124314.0</u> (Number)	<u>EPO</u> (Country)	<u>December 21, 1998</u> (Month/Day/Year Filed)	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
<u>198 60 549.8</u> (Number)	<u>EPO</u> (Country)	<u>December 21, 1998</u> (Month/Day/Year Filed)	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
_____ (Number)	_____ (Country)	_____ (Month/Day/Year Filed)	<input type="checkbox"/> Yes	<input type="checkbox"/> No

I hereby claim the benefit under Title 35, United States Code, §119(e) of any United States provisional applications(s) listed below.

Insert Provisional  
Application(s):  
(if any)

_____ (Application Number)	_____ (Filing Date)
_____ (Application Number)	_____ (Filing Date)

All Foreign Applications, if any, for any Patent or Inventor's Certificate Filed More than 12 Months (6 Months for Designs) Prior to the Filing Date of This Application:

Insert Requested  
Information:  
(if appropriate)

Country	Application Number	Date of Filing (Month/Day/Year)
_____	_____	_____

I hereby claim the benefit under Title 35, United States Code, §120 of any United States and/or PCT application(s), including for continuation-in-part application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States and/or PCT application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose information which is material to the patentability as defined in Title 37, Code of Federal Regulations, §1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application.

Insert Prior U.S.  
Application(s):  
(if any)

_____ (Application Number)	_____ (Filing Date)	_____ (Status - patented, pending, abandoned)
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GIVEN NAME/FAMILY NAME Juergen Rolf MUELLER	INVENTOR'S SIGNATURE	DATE*
Residence (City, State & Country) Hamburg, Germany	CITIZENSHIP DE	
MAILING ADDRESS (Complete Street Address including City, State & Country) Lohbekstieg 32f, 22529 Hamburg, Germany		
GIVEN NAME/FAMILY NAME Karsten HENCO	INVENTOR'S SIGNATURE	DATE*
Residence (City, State & Country) Duesseldorf, Germany	CITIZENSHIP	
MAILING ADDRESS (Complete Street Address including City, State & Country) Tiefenberg 27, 40629 Duesseldorf, Germany		
GIVEN NAME/FAMILY NAME Rodney TURNER	INVENTOR'S SIGNATURE 	DATE* May 17, 2005
Residence (City, State & Country) San Francisco, CA, US	CITIZENSHIP USA	
MAILING ADDRESS (Complete Street Address including City, State & Country) 419 Fulton Street, San Francisco, CA 94102, US		
GIVEN NAME/FAMILY NAME Peter AXHAUSEN	INVENTOR'S SIGNATURE	DATE*
Residence (City, State & Country) Destedt, Germany	CITIZENSHIP	
MAILING ADDRESS (Complete Street Address including City, State & Country) An der Wasserfurche 3, 38162 Destedt, Germany		
GIVEN NAME/FAMILY NAME Rolf GUENTHER	INVENTOR'S SIGNATURE	DATE*
Residence (City, State & Country) Hamburg, Germany	CITIZENSHIP	
MAILING ADDRESS (Complete Street Address including City, State & Country) Simon-von-Utrecht-Strasse 65, 20359 Hamburg, Germany		
GIVEN NAME/FAMILY NAME	INVENTOR'S SIGNATURE	DATE*
Residence (City, State & Country)	CITIZENSHIP	
MAILING ADDRESS (Complete Street Address including City, State & Country)		



Attorney Docket No. 0179-0170P

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Fill in Appropriate  
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For Use Without  
Specification  
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Priority Claimed

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Insert Provisional Application(s): (if any)	<u>(Application Number)</u>	<u>(Filing Date)</u>
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Full Name of First  
Inventor  
Insert Name of  
Inventor  
Insert Date This  
Document is Signed

Insert Residence  
Insert Citizenship

Insert Post Office  
Address

Full Name of Second  
Inventor, if any:  
see above

Full Name of Third  
Inventor, if any:  
see above

Full Name of Fourth  
Inventor, if any:  
see above

Full Name of Fifth  
Inventor, if any:  
see above

Full Name of Sixth  
Inventor, if any:  
see above

GIVEN NAME/FAMILY NAME  Juergen Rolf MUELLER	INVENTOR'S SIGNATURE	DATE*
Residence (City, State & Country)  Hamburg, Germany		CITIZENSHIP DE
MAILING ADDRESS (Complete Street Address including City, State & Country)  Lohbekstieg 32f, 22529 Hamburg, Germany		
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MAILING ADDRESS (Complete Street Address including City, State & Country)  419 Fulton Street, San Francisco, CA 94102, US		
GIVEN NAME/FAMILY NAME  Peter AXHAUSEN	INVENTOR'S SIGNATURE <i>Peter Axhausen</i>	DATE* May 12, 2005
Residence (City, State & Country)  Destedt, Germany		CITIZENSHIP DE
MAILING ADDRESS (Complete Street Address including City, State & Country)  An der Wasserfurche 3, 38162 Destedt, Germany		
GIVEN NAME/FAMILY NAME  Rolf GUENTHER	INVENTOR'S SIGNATURE	DATE*
Residence (City, State & Country)  Hamburg, Germany		CITIZENSHIP
MAILING ADDRESS (Complete Street Address including City, State & Country)  Simon-von-Utrecht-Strasse 65, 20359 Hamburg, Germany		
GIVEN NAME/FAMILY NAME	INVENTOR'S SIGNATURE	DATE*
Residence (City, State & Country)		CITIZENSHIP
MAILING ADDRESS (Complete Street Address including City, State & Country)		



Attorney Docket No. 0179-0170P

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Full Name of First  
or Sole Inventor:  
Insert Name of  
Inventor  
Insert Date This  
Document is Signed

Insert Residence  
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Full Name of Second  
Inventor, if any:  
see above

Full Name of Third  
Inventor, if any:  
see above

Full Name of Fourth  
Inventor, if any:  
see above

Full Name of Fifth  
Inventor, if any:  
see above

Full Name of Sixth  
Inventor, if any:  
see above

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MAILING ADDRESS (Complete Street Address including City, State & Country)  An der Wasserfurche 3, 38162 Destedt, Germany		
GIVEN NAME/FAMILY NAME  Rolf GUNTHER	INVENTOR'S SIGNATURE  <i>Rolf Guntner</i>	DATE*  12/05/05
Residence (City, State & Country)  Hamburg, Germany		CITIZENSHIP  GERMAN
MAILING ADDRESS (Complete Street Address including City, State & Country)  Simon-von-Utrecht-Strasse 65, 20359 Hamburg, Germany		
GIVEN NAME/FAMILY NAME	INVENTOR'S SIGNATURE	DATE*
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